

TOWN OF WEST FAIRLEE ORDINANCE ON  
**DOGS**

**ARTICLE 1. AUTHORITY.** This ordinance is adopted by the selectboard of the town of West Fairlee under authority of 20 V.S.A. § 3549, 24 V.S.A. §§ 2291 (10) and 2291 (14 & 15), and 24 V.S.A. Chapter 59.

**ARTICLE 2. PURPOSE.** It is the purpose of this ordinance to regulate the keeping of dogs to protect public health and safety and to protect the residents' quiet enjoyment of their homes and properties.

**ARTICLE 3. DEFINITIONS.**

- a. **“Dog”** means any member of the canine species, including wolf hybrid (*Canis lupus* or *Canis rufus*).
- b. **“Owner”** means any person who has actual or constructive possession of a dog. The term also includes those persons who provide food and shelter to a dog.
- c. **“Running at large”** means that a dog is not:
  1. on a leash;
  2. in a vehicle;
  3. on the owner's property;
  4. on the property of another person with that person's permission;
  5. clearly under the verbal or non-verbal control of the owner; or
  6. hunting with the owner.
- d. **“Vicious dog”** means a dog that attacks any person or causes any person to reasonably fear attack or bodily injury from such animal, *unless* the person is trespassing on the property of the owner of the animal. The term shall also mean any animal that, while running at large, attacks another domestic pet or domestic animal, as defined in 20 V.S.A. § 3541.

**ARTICLE 4. DISTURBANCES AND NUISANCES.**

- a. No dog shall run at large in the town.
- b. No dog shall harass or attack other animals or people unless such animals or people are trespassing on the private property of the owner of the dog.
- c. A female dog in heat shall be confined to a building or other secured enclosure, except while under the direct control of the owner.
- d. No person shall own, keep or harbor a dog that disturbs the quiet, comfort and repose of others by frequent, habitual or persistent barking or howling.

**ARTICLE 5. POOPER SCOOPER.** The person in control of a dog that defecates in any public area or on the private property of another person shall immediately remove the fecal material and dispose of it in a sanitary manner.

**ARTICLE 6. COLLAR AND LICENSE.**

- a. Each dog shall be licensed according to the laws of this state and shall wear a collar or harness with the current license attached. An animal that is visiting from out of state must wear a collar or harness with a current license from its home state attached.
- b. A dog that is found without a collar or harness and license shall be immediately impounded under authority of 20 V.S.A. § 3806 and shall be managed under the provisions of that statute.

**ARTICLE 7. HUMANE CARE OF DOGS.** All dogs shall be furnished with clean and safe facilities sufficient to protect the animal and the public health. Any dog determined by an animal control officer to be without such clean and safe facilities may be impounded.

**ARTICLE 8. IMPOUNDMENT.**

- a. Any dog that is determined by an animal control officer to be a vicious dog which presents an imminent danger to people or other animals shall be immediately impounded.
- b. Any dog that is apprehended for a third or subsequent violation of any provision of this ordinance shall be impounded.
- c. Impoundment fees shall be set annually by the selectboard.

**ARTICLE 9. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT.**

- a. The officer who impounds a dog shall, within 24 hours, give notice to the owner thereof, either personally, by telephone call, or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violations, the location of the animal and the steps that are necessary to have the animal returned to the owner.
- b. If an impounded dog has no license or other identification, the person who impounds it shall proceed under the provisions of 20 V.S.A. § 3806.
- c. Impounded animals shall be released to the owner only after payment of all penalties and impoundment fees and after remedial action by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license and providing a plan for compliance with the provisions of this ordinance and with state law.

**ARTICLE 10. INVESTIGATION OF VICIOUS DOGS**

- a. When a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the legislative body of the municipality. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the legislative body in conducting its investigation required by subarticle (b).
- b. The legislative body, within seven days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the domestic pet or wolf-hybrid which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint.

- c. If the domestic pet or wolf-hybrid is found to have bitten the victim without provocation, the municipal officials shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the domestic pet or wolf-hybrid is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in article 3550 of this chapter.
- d. The procedures provided in this article shall only apply if the domestic pet or wolf-hybrid is not a rabies suspect. If a member of the legislative body or a municipal official designated by the legislative body determines that the animal is a rabies suspect, the provisions of subchapter 5 of this chapter and the rules of the department of health shall apply.

**ARTICLE 11. ENFORCEMENT AND PENALTIES.**

- a. This is a civil ordinance, and violations shall be a civil matter enforced in the Vermont Judicial Bureau in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq.

A civil penalty of not more than **\$50** per violation may be imposed for violation of this ordinance, and the waiver fee shall be set at **\$25**. Each day that the violation continues shall constitute a separate violation of this ordinance.

- b. A violation of this ordinance may lead to superior court action seeking injunctive relief and civil penalties pursuant to 24 V.S.A. § 1974a.

**ARTICLE 12 SEVERABILITY.** If any article of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

**ARTICLE 13. EFFECTIVE DATE.** This ordinance shall become effective 60 days after its adoption by the town of West Fairlee’s selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

West Fairlee Selectboard:

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Signatures

\_\_\_\_\_ Date

## ORDINANCE ADOPTION HISTORY:

1. Agenda item at regular selectboard meeting held on 12/7/04.
2. Read and approved at regular selectboard meeting on 12/7/04 and entered in the minutes of that meeting.
3. Posted in public places on 12/8/04.
4. Notice of adoption published in the Journal Opinion newspaper on 12/15/04 with a notice of the right to petition [44 days = January 20, 2005].
5. Ordinance effective (60 days after adoption) on February 5, 2005.